

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

FEB 21 2017

Clerk, U.S. District Court  
District Of Montana  
Billings

RONALD O. LATRAY,

Plaintiff,

vs.

OFFICER NEGEL, and SHERIFF  
MIKE LINDER,

Defendants.

CV 15-136-BLG-SPW

ORDER ADOPTING  
FINDINGS AND  
RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on January 17, 2017. (Doc. 17). Judge Cavan recommends that this Court deny the Defendants' Motion to Dismiss (Doc. 12).

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendations. No objections were filed.<sup>1</sup> When neither party objects, this Court reviews Judge Cavan's Findings and Recommendations for clear error.

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<sup>1</sup> Plaintiff Ronald Latray filed a document titled "Limited Objection to Respond to Request." (Doc. 18). The document does not object to Judge Cavan's Findings and Recommendations. Instead, it seeks to provide "additional information." (Doc. 18 at 1). It is unnecessary for the Court to consider the "additional information" provided because the Court agrees with Judge Cavan and Plaintiff Latray that the Defendants' Motion to Dismiss should be denied.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendations, this Court does not find that Judge Cavan committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by United States Magistrate Judge Cavan (Doc. 17) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that the Defendants’ Motion to Dismiss (Doc. 12) is DENIED.

DATED this 27<sup>st</sup> day of February, 2017.

  
Susan P. Watters  
SUSAN P. WATTERS  
United States District Judge